

**REMARKS**

Claims 1-11 are pending in this application. By this Amendment, claims 1, 10 and 11 are amended. No new matter is added.

Applicant gratefully acknowledges the Office Action's repeated indication that claims 5-8 contain allowable subject matter. However, Applicant respectfully submits that claim 5 was earlier amended by the May 6 Amendment to place the claims in condition for allowance.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Information Disclosure Statement**

An Information Disclosure Statement with Form PTO-1449 was filed in the above-captioned patent application on July 17, 2002. Applicant has not yet received from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of the form is attached.

**II. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-4 and 9-11 under 35 U.S.C. §102(b) over U.S. Patent 5,706,023 to Nagata et al. This rejection is respectfully traversed.

Nagata et al. does not disclose "a liquid crystal capacitor having a liquid crystal sandwiched between a counter electrode and a pixel electrode, the counter electrode being of a reference voltage that is unmodulated," as recited in claim 1; and "a liquid crystal sandwiched between a counter electrode and pixel electrode, the counter electrode being of a reference voltage that is unmodulated," as recited in claim 10, and as similarly recited in claim 11 as a method claim.

Nagata et al. discloses "a second modulation signal  $V_t$  is applied to the counter electrode of the liquid crystal capacitance" (col. 4, lines 1-4). As clearly shown in Fig. 1, both ends of the liquid crystal capacitance  $C_{lc}^*$  are modulated in Nagata. In contrast, the counter electrode as claimed is not a reference voltage that is unmodulated.

For at least these reasons, it is respectfully submitted that claims 1, 10 and 11 are not anticipated by Nagata. Claims 2-4 and 9 depend from claim 1, and thus, claims 2-4 and 9 are also not anticipated by Nagata for at least the reasons discussed as well as for the additional features they recite. Applicant respectfully requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

### **III. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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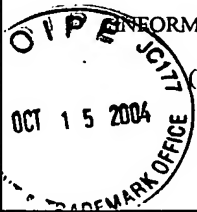
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Attachment:  
Form PTO-1449 dated July 17, 2002

Date: October 15, 2004

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 111033		<b>RECEIVED</b> APPLICATION NO. 10/094,822 <b>OCT 19 2004</b>	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANT(S) Tokuro OZAWA			
				FILING DATE December 7, 2001		GROUP 2871	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	
		JP-B2-2568659 (w/English abstract)	10/03/96	Japan			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: July 17, 2002